

REMARKS

It is first noted that there has been a re-assignment of this application to a different Examiner.

Notwithstanding the Examiner's comments in paragraph 4, the prior holdings of subject matter patentable over the prior art are not mooted by a rejection under 35 U.S.C. 101, and Applicant's submissions on patentability of claims 1 and 10 over the prior art should not be mooted by a rejection under 35 U.S.C. 101. Applicant assumes that the claims are allowable over the art of record and are patentable provided they provide a "useful, concrete and tangible result" under 35 U.S.C. 101.

In responding to the rejection of the claims under 35 U.S.C. 101, Applicant first mentions that it is well known in the art from the references of the Applicant cited in the Background of the invention, that these inventions have practical application to a broad range of physical processes.

Hively et al., U.S. Pat. Nos. 5,743,860 discloses methods for detecting and predicting epileptic seizures by acquiring brain wave data from a patient, and analyzing the data with traditional nonlinear methods and with the object of the invention of providing notification to permit assistance to be given to the patient or to a person who can assist the patient.

Hively et al., U.S. Pat. No. 5,815,413 discloses the applicability of nonlinear techniques to monitor machine conditions, such as the condition of a drill bit or the performance of an electrical motor driving a pump and providing notification means to notify a human observer of an event.

In paragraph 0027, the specification states:

"The methods of this disclosure can be applied to electric motor predictive maintenance, other machinery and physical processes, as well as biomedical data for diagnosis and treatment of human patients. In one example, data sets were recorded in snapshots of 1.5 seconds, sampled at 40 kHz (60,000 total time-serial samples), including three-phase voltages and currents from

an electric motor."

Support is found in original claims 2-5 and 13-14 and paragraph 0027 cited above which recited and disclosed acquiring data from a human (a physical) test subject or a physical process, and this language has now been added to claims 1 and 10.

In addition, claims 1 and 10 have now been amended to recite the step of "providing an output of at least one of a graph, a table of data or an observable signal by which a human observer can detect the forewarning of the critical event."

The graph is supported by Figs. 9A-9E of the drawings and accompanying description at paras. 0049-0051. The table is supported by Table 2 on page 19. On page 19, the specification describes a simple visual signal that can be used. Audible signals can also be used. These are all easily implemented from the specification when read in the light of modern digital equipment as understood by one of ordinary skill in the art in view of the specification and the prior art of record.

In response to paragraph 1 of the Office action, line 11 has been amended in claim 1 as suggested in the Office action.

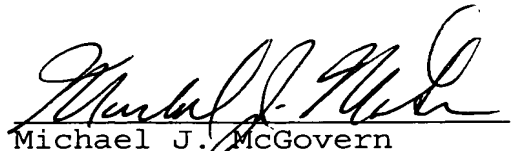
Claims 8 and 15 have also been amended to correct a similar problem.

CONCLUSION

In view of the Amendment and Remarks, reconsideration is respectfully requested. After the Amendment, claims 1-18 are still pending and a Notice of Allowance for these claims is respectfully requested.

Respectfully submitted,

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